

THURSDAY, FEBRUARY 5, 2004
FIFTY-SEVENTH LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 9:00 a.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by Reverend Lynn King of Hillcrest Baptist Church in Dyersburg, Tennessee, a guest of Senator Norris.

PLEDGE OF ALLEGIANCE

Senator Trail led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 30

Senators present were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

COMMUNICATION

February 4, 2004

Lt. Gov. John Wilder
1 LP
Nashville, TN 37243

Dear Gov. Wilder:

I will be unable to attend the Floor Session on Thursday, February 5, 2004, due to a personal commitment in Memphis. Please excuse my absence and have this letter spread upon the Senate Journal.

Respectfully,

/s/ Curtis Person, Jr.

APPROVED: Lieutenant Governor
John S. Wilder

INTRODUCTION OF BILLS

The Speaker announced that the following bills were filed for introduction and passed first consideration:

Senate Bill No. 3205 by Senator Graves.

TennCare -- Requires the comptroller to report to the select oversight committee on TennCare concerning financial and other impacts of recent changes in the TennCare program by January 15, 2005. Amends TCA Title 3; Title 4; Title 33; Title 38; Title 39; Title 56; Title 63; Title 68 and Title 71.

Senate Bill No. 3206 by Senator Person.

Medical Occupations -- Deletes health related board statutes on advertising and display of registration and establishes new requirements for use of titles for health care providers. Amends TCA Title 63.

Senate Bill No. 3207 by Senator Person.

Commerce and Insurance, Dept. of -- Reduces the number of vehicles required for an owner to qualify as a self-insurer from 25 to 15 and allows the Commissioner of the Department of Commerce and Insurance to employ the number of actuaries as deemed necessary instead of limiting the number to three. Amends TCA Title 55 and Title 56.

Senate Bill No. 3208 by Senator Henry.

Animal Control -- Allows county or city dog pounds discretion to destroy seized dogs after two days rather than requiring the dog's destruction after two days. Amends TCA Section 68-8-109.

Senate Bill No. 3209 by Senator Person.

Criminal Offenses -- Redefines "aggravated cruelty" to include failure to provide food and water to companion animal resulting in substantial risk of death or death. Amends TCA Title 39, Chapter 14, Part 2.

Senate Bill No. 3210 by Senator Person.

Nurses, Nursing -- Deletes requirement that physician supervisory rules, pertaining to certified nurse practitioners, must be jointly approved by the board of nursing; provides that such rules would be approved solely by the board of medical examiners. Amends TCA Section 63-7-123(d) and Section 63-7-123(b)(2).

Senate Bill No. 3211 by Senator Person.

Workers' Compensation -- Changes references for cost of copies of medical records from \$10.00 for 20 pages or less to \$20.00 for 40 pages or less. Amends TCA Title 50, Chapter 6.

Senate Bill No. 3212 by Senators Kyle, Atchley, McLeary and Kilby.

Lottery -- Enacts the "Tennessee Charitable Gaming Implementation Law".

Senate Bill No. 3213 by Senator Atchley.

Public Utilities -- Creates "Tri-County Regional Utility Authority". Amends TCA Title 64.

Senate Bill No. 3214 by Senator Atchley.

Public Health -- Exempts from fees certain nonprofit air ambulance services for indigent patients; requires commercial pilot license for providers of such air ambulance services. Amends TCA Title 68, Chapter 140.

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Senate Bill No. 3215 by Senator Atchley.

Taxes, Exemption -- Exempts from sales and use tax federally owned property brought into Tennessee to be tested or used in testing by a Tennessee business on a temporary basis. Amends TCA Title 67, Chapter 6.

Senate Bill No. 3216 by Senator Atchley.

Schools, Private and Charter -- Revises requirements for establishing and conducting charter schools. Amends TCA Title 49, Chapter 13.

Senate Bill No. 3217 by Senators Jackson, Graves and Kurita.

Sexual Offenses -- Enacts the "Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act of 2004" and creates the Class E felony offense of perjury regarding a sexual offender registration form. Amends TCA Section 39-16-702 and Title 40, Chapter 39.

Senate Bill No. 3218 by Senator Burchett.

Game and Fish Laws -- Clarifies that the lifetime sportsman license fee for children less than three years of age is not subject to periodic fee increases. Amends TCA Section 70-2-201.

Senate Bill No. 3219 by Senator Burchett.

Election Laws -- Revises times candidates or political campaign committees who have appointed political treasurer less than one year before an election must file the initial contribution, loan and expenditure statement. Amends TCA Section 2-10-105.

Senate Bill No. 3220 by Senator Kilby.

State Employees -- Provides employees insurance benefits at hospitals currently not permitted to participate as providers of certain networks. Amends TCA Title 8.

Senate Bill No. 3221 by Senator Miller.

Cleveland -- Subject to local approval, revises provisions governing filling vacancies in city council or office of mayor so that person appointed to fill vacancy serves only until next general city election. Amends Chapter 78 of the Private Acts of 1993; as amended.

Senate Bill No. 3222 by Senator Miller.

Scholarships and Financial Aid -- Prohibits TSAC from requiring student applying for postsecondary financial assistance from lottery proceeds to provide financial information unless such student is applying for assistance limited to low-income students. Amends TCA Title 49, Chapter 4, Part 9.

Senate Bill No. 3223 by Senator Miller.

Local Education Agency -- Allows LEAs to advertise sale of surplus property on the Internet as well as in newspapers of general circulation. Amends TCA Section 49-6-2006 and Section 49-6-2007.

Senate Bill No. 3224 by Senator Miller.

State Employees -- Provides that public employers may permit only certain payroll deductions including taxes, insurance payments and donations to charitable organizations. Amends TCA Title 8.

Senate Bill No. 3225 by Senator Miller.

Taxes, Real Property -- Restores distribution of transfer tax to certain funds. Amends TCA Section 67-4-409.

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Senate Bill No. 3226 by Senator Miller.

Sexual Offenses -- Prohibits certain sexual offenders from residing or working within certain locations. Amends TCA Section 40-39-111.

Senate Bill No. 3227 by Senator Miller.

Municipal Government -- Allows municipality to exercise right to provide municipal and utility services in annexed area when municipality annexes any part of the service area of an authority. Amends TCA Section 5-6-120.

Senate Bill No. 3228 by Senator McNally.

Nuisances -- Exempts persons who operate or use sport shooting range from penalty for noise pollution if range in compliance with noise control laws. Amends TCA Title 39, Chapter 17.

Senate Bill No. 3229 by Senator Burchett.

Criminal Offenses -- Creates Class A misdemeanor offense of "tongue splitting" by a person other than a licensed physician. Amends TCA Title 62, Chapter 38, Part 3.

Senate Bill No. 3230 by Senator Burchett.

Election Laws -- Requires any voting system purchased on or after July 1, 2004, to produce a paper version of any ballot cast; requires such paper version to be retained by county election commission for recounts, contests or random samplings. Amends TCA Title 2, Chapter 9.

Senate Bill No. 3231 by Senator Burchett.

Disabled Persons -- Authorizes issuance of additional handicapped placards upon payment of fee set by Department of Safety; authorizes fee for additional placards for deaf persons to be set by department. Amends TCA Title 55, Chapter 21; Title 55, Chapter 4 and Title 55, Chapter 8.

Senate Bill No. 3232 by Senator Burchett.

Motor Vehicles, Titling and Registration -- Replaces current, two-class, special zone license classification for freight motor vehicles with one class for such vehicles' operation in one, designated county and 50 miles beyond. Amends TCA Section 55-4-113.

Senate Bill No. 3233 by Senator Burchett.

Election Laws -- Permits any independent candidate to list candidate's party name on ballot, limited to two words, if nominated by candidate's political party instead of permitting such listing only if party of candidate received at least 5 percent of votes cast in last presidential election preceding election candidate seeks to have party name included on ballot. Amends TCA Title 2, Chapter 5, Part 2.

Senate Bill No. 3234 by Senator Burchett.

Aged Persons -- Creates Department of Aging and Disability. Amends TCA Title 4; Title 8; Title 13; Title 33; Title 34; Title 49; Title 55; Title 56; Title 67; Title 68 and Title 71.

Senate Bill No. 3235 by Senator Burchett.

Safety -- Creates a safety category for leisure pools, which are pools that also offer group recreational activities on a three-acre property, and delineates separate safety requirements for leisure pools. Amends TCA Title 68, Chapter 14, Part 3.

Senate Bill No. 3236 by Senator Burchett.

Vending Machines -- Clarifies and restates departmental responsibilities concerning enforcement of the provisions of the Prevention of Youth Access to Tobacco Act of 1994. Amends TCA Title 39; Title 47 and Title 67.

Senate Bill No. 3237 by Senator McNally.

Alcoholic Offenses -- Provides for the immediate confiscation and administrative revocation of driver license upon person refusing to take breath test or who tests .08%; prohibits any person in car from possessing open container of alcohol; changes burden of proof and scope of proof under the dram shop liability act; and increases from \$1,100 to \$2,500 the minimum fine for 3rd offense DUI and from \$3,000 to \$4,000 the minimum fine for 4th or subsequent DUI. Amends TCA Title 55, Chapter 10, Part 4 and Title 57, Chapter 10.

Senate Bill No. 3238 by Senator McNally.

Public Lands -- Requires that if property acquired by the state for a public purpose is no longer needed for that purpose and the state determines that it is appropriate to sell such property, a lessee shall be entitled to purchase such property if such lessee presents sufficient evidence that the previous owners of the property had given the lessee the rights to buy the property; this provision only applies to the purchase of the surface right to such property and shall not impair existing contractual rights granted to third parties relative to minerals or timber resources located on or under the surface of such land. Amends TCA Section 12-2-112.

Senate Bill No. 3239 by Senator McNally.

Scholarships and Financial Aid -- Renames the "Tennessee Student Assistance Award Restoration Act" as the "Ben Atchley Opportunity Grant Act". Amends TCA Section 49-4-801.

Senate Bill No. 3240 by Senator McNally.

Utilities, Utility Districts -- Revises payments in lieu of taxes by certain municipal owned electric utilities. Amends TCA Title 6, Chapter 51; Title 7, Chapter 2; Title 7, Chapter 21; Title 7, Chapter 34; Title 7, Chapter 52 and Title 7, Chapter 82.

Senate Bill No. 3241 by Senator Kilby.

TennCare -- Requires director of program integrity to report annually on enrollee fraud and abuse, including a report on diversion of prescription drugs by TennCare enrollees. Amends TCA Title 71, Chapter 5.

Senate Bill No. 3242 by Senator Henry.

Taxes, Real Property -- Classifies certain property associated with utilities and railroads as real property for purposes of the property taxation.

Senate Bill No. 3243 by Senator Henry.

Bonds and Undertakings, Regulation of -- Applies present law requirements for local government revenue bonds to other types of interest rate agreements into which local governments enter.

Senate Bill No. 3244 by Senator Henry.

Comptroller, State -- Adds additional duties and powers to the office of the comptroller with regard to the office of local government, the commission on intergovernmental relations and municipalities.

Senate Bill No. 3245 by Senator Henry.

Taxes -- Authorizes comptroller to create a voluntary pilot program for assessing leased personal property to the lessor instead of the lessee.

Senate Bill No. 3246 by Senator Henry.

Auditing -- Alters the method for determining whether a wastewater facility, utility district, or emergency communications district is operating at a deficit or is financially distressed. Amends TCA Sections 7-82-401, 7-82-703, 7-86-304 and 68-221-1010.

Senate Bill No. 3247 by Senator Graves.

Corporations, Not for Profit -- Imposes personal liability on directors, trustees, and members for willful, wanton, or gross negligence that includes mishandling of funds; allows court to impose fine for each instance of fund mishandling. Amends TCA Title 48 and Title 66.

Senate Bill No. 3248 by Senator Dixon.

Insurance Companies, Agents, Brokers, Policies -- Prohibits Tennessee insurers that use personal information to underwrite or rate risks for personal automobile insurance from using the zip code of the consumer as a factor although the insurer may use the consumer's county of residence or a larger geographic area as a factor. Amends TCA Title 56.

Senate Bill No. 3249 by Senator Norris.

Firearms and Ammunition -- Removes prohibition on possession of firearm in buildings where alcohol is served for on-premises consumption if possessor has valid handgun carry permit and is not consuming alcohol and owner of building has not posted a sign prohibiting weapons. Amends TCA Section 39-17-1305.

Senate Bill No. 3250 by Senator Beavers.

Corporations, Not for Profit -- Exempts community fairs, county fairs, district fairs and division fairs from filing requirements imposed on charitable organizations which intend to solicit contributions. Amends TCA Section 48-101-502.

Senate Bill No. 3251 by Senator Ramsey.

Public Contracts -- Revises limitation of contractor's liability under state contracts. Amends TCA Title 12.

Senate Bill No. 3252 by Senator Fowler.

Tort Liability -- Requires medical malpractice insurers to submit information to Department of Commerce and Insurance regarding claims and lawsuits on forms prescribed by the department. Amends TCA Title 56.

Senate Bill No. 3253 by Senator Bryson.

Lottery -- Authorizes the Junior Auxiliary of Franklin to conduct an annual event for the purpose of benefiting the organization.

Senate Bill No. 3254 by Senator Bryson.

Marriage -- Creates covenant marriage; sets grounds for terminating covenant marriage; allows persons married as of effective date to designate marriage as covenant marriage. Amends TCA Section 18-6-109; Title 36, Chapter 4; Title 36, Chapter 3 and Title 68, Chapter 3, Part 4.

Senate Bill No. 3255 by Senator Bryson.

Insurance, Health, Accident -- Requires health insurance entities to reimburse physicians for medical care rendered from the date the physician's credentialing application is submitted to the insurer. Amends TCA Title 56.

Senate Bill No. 3256 by Senator Harper.

Correctional Programs -- Allows county or municipality to authorize jail or workhouse administrator to charge inmate nominal fee for special services including participation in scholastic testing and escort by correctional officers to hospital or funeral home. Amends TCA Section 41-4-142.

Senate Bill No. 3257 by Senator Harper.

Correctional Programs -- Allows county or municipality to charge inmate in jail or workhouse co-pay amount for substance abuse treatment by a licensed provider. Amends TCA Section 41-4-115.

Senate Bill No. 3258 by Senator Dixon.

Day Care -- Requires vehicles transporting children for a child care center to be equipped with a security alarm system. Amends TCA Title 49 and Title 71.

Senate Bill No. 3259 by Senator Dixon.

Real Property -- Requires that contracts for home loans made by a nonprofit lender with a zero interest rate include language that prohibits refinancing the loan without the prior, written approval of the local board of directors of the nonprofit organization which financed the loan. Amends TCA Title 45; Title 47 and Title 66.

Senate Bill No. 3260 by Senator Crowe.

Pensions and Retirement Benefits -- Allows Tennessee consolidated retirement system credit without charge for certain military service. Amends TCA Section 8-34-605.

Senate Bill No. 3261 by Senator Ford.

Hospitals and Health Care Facilities -- Requires inclusion of hospitals participating in the TennCare program as network providers for state employees group insurance if such hospital agrees to terms comparable to other network provider hospitals. Amends TCA Title 8 and Title 68.

Senate Bill No. 3262 by Senator Herron.

Wildlife Resources Commission -- Requires that TWRA's annual report to the legislature about its administrative activity involving Reelfoot Lake natural area also include any activity by the Department of Environment and Conservation and the Department of Transportation involving the area. Amends TCA Title 11; Title 54; Title 69 and Title 70.

Senate Bill No. 3263 by Senator Herron.

Medical Occupations -- Authorizes radiologists to utilize radiology practitioner assistants who possess certain credentials. Amends TCA Title 63, Chapter 6 and Title 63, Chapter 9.

Senate Bill No. 3264 by Senator McNally.

Education, Higher -- Clarifies definition of "institution" for purposes of Tennessee State School Bond Authority Act as including all degree and non-degree granting institutions under the board of regents. Amends TCA Title 49, Chapter 3, Part 12.

Senate Bill No. 3265 by Senator Herron.

Stewart County -- Subject to local approval, enacts wheel tax for Stewart County.

Senate Bill No. 3266 by Senator Cohen.

Education, Higher -- Limits salary of president emeritus of institution of higher education or chancellor emeritus of board of regents to 10 percent of salary of present president or chancellor; prohibits gifts of cars or housing and payment of such salary in goods or services. Amends TCA Title 8, Chapter 36, Part 7; Title 49, Chapter 8; Title 49, Chapter 9 and Title 49, Chapter 7.

Senate Bill No. 3267 by Senator Cohen.

Correction, Dept. of -- Provides that requirement for funding of increased costs of imprisonment does not apply when estimated effect of a bill is three or fewer incarcerations per year. Amends TCA Section 9-4-210.

Senate Bill No. 3268 by Senator Fowler.

Economic and Community Development -- Provides certain state taxation credits for certain sales and use tax payments related to pilot scale manufacturing, research and development, or the commercial application thereof in Tennessee; authorizes certain local taxation credits. Amends TCA Title 67.

Senate Bill No. 3269 by Senator Kilby.

Taxes, Sales -- Provides for distribution to Scott, Morgan, Fentress and Pickett counties of 4.5925 percent of the state sales tax collected in each county. Amends TCA Title 67, Chapter 6.

Senate Bill No. 3270 by Senator Norris.

Conservation -- Requires Commissioner of Environment and Conservation to review natural areas with over 20 years designation as such to ensure area continues to meet criteria for designation. Amends TCA Section 11-14-106.

Senate Bill No. 3271 by Senator Norris.

Election Laws -- Requires county election commission to place source codes for vote counting software for electronic voting machines in approved escrow facility prior to election for purpose of recount or accuracy tests. Amends TCA Title 2.

Senate Bill No. 3272 by Senator Norris.

Malpractice, Professional -- Requires any plaintiff in a medical malpractice action to sign an authorization to release protected health information pursuant to the federal Health Insurance Portability and Accountability Act of 1996 prior to filing the claim; requires the dismissal without prejudice of the malpractice claim if the plaintiff revokes the authorization; requires that the information disclosed may not be redisclosed except in furtherance of the malpractice action; provides a sample form authorization. Amends TCA Title 29, Chapter 26, Part 1.

Senate Bill No. 3273 by Senator Crowe.

Highway Signs -- "Dr. Herbert 'Booney' Vance, Jr. Memorial Bridge", State Route 381 in Washington County.

Senate Bill No. 3274 by Senator Crowe.

Highway Signs -- Designates several segments of highway in Tennessee as the "Purple Heart Trail".

Senate Bill No. 3275 by Senator Ford.

Mental Illness -- Adds assessing the impact of the *Olmstead v. L.C.* decision of the U.S. Supreme Court to the duties of the statewide planning and policy council. Amends TCA Title 33.

Senate Bill No. 3276 by Senator Ford.

Insurance, Health, Accident -- Requires that any hospital and medical service corporation be subject to an annual audit by the comptroller of the treasury. Amends TCA Title 56, Chapter 29.

Senate Bill No. 3277 by Senator Ford.

General Assembly -- Increases members' salary from \$16,500 to \$24,600. Amends TCA Title 3, Chapter 1, Part 1.

Senate Bill No. 3278 by Senator Kurita.

Nurses, Nursing -- Restricts use of the term "nurse" to persons licensed as a registered nurse or a licensed practical nurse. Amends TCA Section 63-7-107 and Section 63-7-112.

Senate Bill No. 3279 by Senator Norris.

Pest Control -- Requires persons applying for new charter to engage in commercial pest control activities to meet certain requirements. Amends TCA Title 62, Chapter 21, Part 1.

Senate Bill No. 3280 by Senator Trail.

Tennessee Bureau of Investigation -- Authorizes the TBI to sell intrastate criminal history information to the private sector and noncriminal justice agencies for \$29.00 per name submitted for the purpose of offsetting expenditures related to operational costs of the TBI. Amends TCA Title 38, Chapter 6, Part 1.

Senate Bill No. 3281 by Senator Dixon.

Zoning -- Requires certain counties to promulgate zoning regulations applicable to unincorporated areas if the county is deemed to be non-compliant with state or federal air quality attainment standards. Amends TCA Title 13, Chapter 7, Part 1.

Senate Bill No. 3282 by Senator Dixon.

Sexual Offenses -- Makes sex with a K-12 student by a teacher or authority figure Class B felony of rape regardless of student's age or location of offense; creates Class D felony of facilitating rape of student which is knowing about rape by teacher and failing to report it; and makes fondling of K-12 student for sexual gratification by school employee or volunteer Class B felony of aggravated sexual battery regardless of age of student. Amends TCA Title 39, Chapter 13, Part 5.

Senate Bill No. 3283 by Senator Fowler.

Hospitals and Health Care Facilities -- Permits electronic monitoring devices to be placed in patients' rooms in nursing homes in certain circumstances. Amends TCA Title 68, Chapter 11.

Senate Bill No. 3284 by Senator Fowler.

Insurance Companies, Agents, Brokers, Policies -- Requires insurers to file rate information and policy forms 30 days prior to proposed effective date. Amends TCA Title 56.

Senate Bill No. 3285 by Senator Fowler.

Malpractice, Professional -- Requires all health care facilities, not just hospitals, to report to the board of medical examiners certain disciplinary actions concerning physicians. Amends TCA Title 68, Chapter 11.

Senate Bill No. 3286 by Senator Fowler.

Tort Liability -- Extends requirement of insurance companies to report medical malpractice settlement to such settlements involving any health care provider or health care facility and to report such information to appropriate health care licensing board. Amends TCA Title 56.

Senate Bill No. 3287 by Senator Norris.

Insurance, Health, Accident -- Requires health insurance providers to provide covered medical treatment for an insured notwithstanding the insured's blood alcohol content. Amends TCA Title 56, Chapter 7.

Senate Bill No. 3288 by Senator McNally.

Economic and Community Development -- Requires any industrial development corporation which is negotiating a payment in lieu of tax agreement that impacts a city or county to notify such governmental entities affected by the agreement. Amends TCA Section 7-53-305.

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Senate Bill No. 3289 by Senator Clabough.

Special License Plates -- Authorizes issuance of new specialty earmarked license plates to raise public awareness about autism; allocates 50 percent of funds produced from sale thereof, minus expenses, to Autism Solution Center, Inc. Amends TCA Title 55, Chapter 4.

Senate Bill No. 3290 by Senator Clabough.

Health Care -- Allows trauma medical control to determine destination of ambulance if transport by ambulance to Level I Trauma Center exceeds 30 minutes. Amends TCA Title 68, Chapter 140, Part 5.

Senate Bill No. 3291 by Senator Clabough.

Alcoholic Beverages -- Clarifies that the provisions of law authorizing beer manufacturers to operate as a retailer and hold a restaurant license apply to Pigeon Forge. Amends TCA Section 57-5-101.

Senate Bill No. 3292 by Senator Clabough.

Motor Vehicles -- Exempts persons driving in parades from seat belt laws, requires highway signs on interstate lanes coming into Tennessee. Amends TCA Title 55, Chapter 9, Part 6.

Senate Bill No. 3293 by Senator Clabough.

Veterans -- Alters the appointment criteria and operational criteria for the state veterans' homes board.

Senate Bill No. 3294 by Senator Cooper.

Hospitals and Health Care Facilities -- Requires nursing homes that are not fully sprinklered to install smoke alarms or detectors in every patient room within ninety (90) days of the effective date of the act, and to submit a plan within six (6) months or eleven (11) months, depending on the physical layout of the facility, for fully sprinklering the facility. Directs that failure to submit a sprinkler plan is grounds for discipline or licensure action. Amends TCA Title 68, Chapter 11, Part 2.

Senate Bill No. 3295 by Senator Cooper.

Tort Liability -- Provides, for certain purposes, that the value of a guide dog that is wrongfully killed or permanently disabled shall be the cost of the guide dog as well as the cost of any specialized training received by the guide dog. Amends TCA Title 29, Chapter 13, Part 1; Title 39, Chapter 14, Part 2 and Title 44, Chapter 17, Part 4.

Senate Bill No. 3296 by Senator Cooper.

Housing -- Authorizes the community development agency of Montgomery County to serve as the housing authority. Amends TCA Title 13, Chapter 20.

Senate Bill No. 3297 by Senators Cooper and McNally.

Education, Higher -- Enacts the "Higher Education Accountability Act of 2004".

Senate Bill No. 3298 by Senators Cooper and McNally.

Education, Higher -- Requires certain records of foundations created for the benefit of state colleges and universities to be public records; requires certain disclosures from foundation board members and requires codes of ethics for foundations' boards.

Senate Bill No. 3299 by Senators Cooper and McNally.

Education, Higher -- Requires board of regents and UT board of trustees to create audit committees for public higher education institutions to monitor the fiscal responsibility of officers.

Senate Bill No. 3300 by Senator Cooper.

Mobile Homes and Manufactured Buildings -- Exempts employees from license and bonding fees applicable to licensed retailers and manufacturers; exempts HVAC installers from licensing requirements if they do not perform any other duties other than HVAC installation. Amends TCA Title 68, Chapter 126.

Senate Bill No. 3301 by Senator Cooper.

Public Contracts -- Permits a county, municipality, metropolitan government, town or utility district, at its option, not to competitively bid multi-year contracts for painting and other maintenance of water storage tanks and appurtenant facilities in certain circumstances. Amends TCA Title 5; Title 6; Title 7, Chapter 83 and Title 12, Chapter 4, Part 1.

Senate Bill No. 3302 by Senators Cooper and Person.

Telecommunications -- Enacts the "Assistive Telecommunications Device Distribution Program Renovation Act". Amends TCA Title 65, Chapter 21.

Senate Bill No. 3303 by Senator Cooper.

Psychologists -- Authorizes psychologists to prescribe and dispense drugs; establishes standards and requirements for prescribing psychologist certification. Amends TCA Title 39; Title 53; Title 63 and Title 68.

Senate Bill No. 3304 by Senators Herron and Trail.

Domestic Violence -- Extends time court may imprison person for violation of order of protection from up to 10 days to up to 30 days. Amends TCA Title 36, Chapter 3.

Senate Bill No. 3305 by Senators Herron and Trail.

Education -- Requires state board to formulate policy for attendance and transfer of students whose custodial parents reside in two LEAs. Amends TCA Title 49, Chapter 6, Part 30 and Title 49, Chapter 6, Part 31.

Senate Bill No. 3306 by Senators Herron and Trail.

Fire Prevention and Investigation -- Requires smoke detectors in rental buildings that contain one or two family units without independent cooking and bathroom facilities. Amends TCA Section 68-102-151.

Senate Bill No. 3307 by Senator Person.

Consumer Protection -- Makes it an unfair or deceptive act or practice for a motor vehicle dealer to fail to advertise, post, display or disclose to a customer certain prices, charges, fees and services added or imposed by the dealer. Amends TCA Title 47.

Senate Bill No. 3308 by Senator Person.

Courts, Juvenile -- Specifies that juvenile court is to retain jurisdiction over placement of child including, but not limited to, foster care, residential, treatment, or program placements of child. Amends TCA Title 37, Chapter 1.

Senate Bill No. 3309 by Senator Herron.

Criminal Procedure -- Clarifies that misdemeanor prisoners confined in county jails or workhouses are eligible for good time credits of one quarter of their sentence including both pre-trial and post-trial confinement. Amends TCA Title 41, Chapter 2.

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Senate Bill No. 3310 by Senator Miller.

Election Laws -- Changes the manner in which candidates' names are placed on the ballot for statewide elections where there are at least three candidates for each office. Amends TCA Section 2-5-208.

Senate Bill No. 3311 by Senator Miller.

Insurance, Health, Accident -- Requires insurance entities affiliated with hospitals to allow insureds to use any willing provider for products and services. Amends TCA Title 56, Chapter 26, Part 1.

Senate Bill No. 3312 by Senator McLeary.

Workers' Compensation -- Revises provisions concerning benefit review conferences, permanent partial disability, penalties on certain payments, and self-insured employers; also requires report from advisory council on medical fee schedules. Amends TCA Title 50 and Title 56.

Senate Bill No. 3313 by Senator Burks.

Algood -- Subject to local approval, amends the charter of the city of Algood to modify the requirements for disbursement of funds. Amends Chapter 69 of the Private Acts of 1977.

Senate Bill No. 3314 by Senator Burks.

Highway Signs -- Cookeville Regional Medical Center, I-40 at Exit 286 in Putnam County.

Senate Bill No. 3315 by Senator Burks.

Controlled Substances -- Removes the Schedule II drug methamphetamine from the exemption provided for manufacturing a drug for personal use contained in the current definition of "manufacturing" under the Drug Control Act. Amends TCA Title 39, Chapter 17, Part 4.

Senate Bill No. 3316 by Senator Burks.

Child Custody and Support -- Allows the security for a bond required in the event that a person is in arrears on child support payments to be deemed sufficient by either the court, the clerk of the court or the sheriff. Amends TCA Section 36-5-101.

Senate Bill No. 3317 by Senator Burks.

Guardianship -- Permits judge to waive guardian ad litem's written report before hearing to appoint fiduciary; allows fiduciary to revoke or amend durable power of attorney for health care executed by principal prior to fiduciary's appointment; specifies when powers removed from respondent and given to conservator that respondent retains only rights specifically enumerated. Amends TCA Title 34, Chapter 1, Part 1; Title 34, Chapter 3, Part 1 and Title 34, Chapter 6, Part 2.

Senate Bill No. 3318 by Senator Burks.

Liens -- Places a limit on the amount of a lien which may be filed by a residential contractor against residential real property for the construction of a new home. Amends TCA Title 62, Chapter 6 and Title 66, Chapter 11.

Senate Bill No. 3319 by Senator Burks.

Veterinarians -- Exempts licensed veterinarians from controlled substance database and monitoring. Amends TCA Title 53, Chapter 10.

Senate Bill No. 3320 by Senator Burks.

Mental Health and Developmental Disabilities, Dept. of -- Directs department to study feasibility of guardianship program for mentally disabled persons. Amends TCA Title 33 and Title 34.

Senate Bill No. 3321 by Senator Burks.

Bonds and Undertakings, Regulation of -- Allows local governments to sell general obligation bonds and school bonds at a private negotiated sale. Amends TCA Title 9, Chapter 21, Part 2 and Title 49, Chapter 3, Part 10.

Senate Bill No. 3322 by Senators Burks, Atchley, Beavers, Bryson, Burchett, Clabough,

Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Ramsey, Southerland and Trail.

Controlled Substances -- Creates Class A misdemeanor offense of selling certain amounts of ephedrine and products containing ephedrine; requires retailers selling ephedrine to maintain a purchaser's register; encourages participation in "Meth Watch" program; supercedes local ordinances that regulate or restrict ephedrine. Amends TCA Title 39, Chapter 17, Part 4.

Senate Bill No. 3323 by Senator Williams.

Special License Plates -- Extends time period for NASCAR new specialty earmarked license plates to meet initial issuance requirements of at least 1,000 plates from June 30, 2004, to June 30, 2005. Amends TCA Title 55, Chapter 4.

Senate Bill No. 3324 by Senator Williams.

Arrests -- Confers upon magistrate or judge the discretion whether to issue a warrant of arrest or a criminal summons regardless of whether the affiant is a law enforcement officer or a private citizen. Amends TCA Title 40, Chapter 6, Part 2.

Senate Bill No. 3325 by Senator Williams.

General Assembly -- Requires clerk of the House and Senate to post number of introduced general bills and number of such bills enacted by each member at the end of each annual session on general assembly Web site. Amends TCA Title 3, Chapter 1.

Senate Bill No. 3326 by Senator Haynes.

Taxes -- Extends the reporting deadline of the independent tax structure study commission from on or before July 1, 2004, until on or before December 31, 2004. Amends TCA Title 67, Chapter 10, Part 1.

Senate Bill No. 3327 by Senator Haynes.

Firearms and Ammunition -- Prohibits imitation weapons that do not have an orange stripe distinguishing them as not being actual weapons. Amends TCA Title 39, Chapter 17, Part 13.

Senate Bill No. 3328 by Senator Henry.

Public Funds and Financing -- Requires that annual adjustments to the base tax revenues of the tourism development zone be made by the Department of Revenue within 60 days of the end of each fiscal year instead of within 90 days of the end of each fiscal year. Amends TCA Title 7, Chapter 88, Part 1.

Senate Bill No. 3329 by Senator Harper.

Lottery -- Authorizes the Tennessee Hemophilia and Bleeding Disorders Foundation to conduct an annual event to benefit the organization.

Senate Bill No. 3330 by Senator Harper.

Lottery -- Authorizes the Mental Health Association to conduct an annual event pursuant to Article XI, Section 5 of Constitution of Tennessee.

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Senate Bill No. 3331 by Senator Beavers.

Criminal Offenses -- Punishes violation of §39-17-417 involving methamphetamine one classification higher if certain conditions are met. Amends TCA Title 39, Chapter 17, Part 4.

Senate Bill No. 3332 by Senator Beavers.

Tobacco, Tobacco Products -- Clarifies administrative head of public institution of higher education has authority to designate reasonable number of easily accessible areas within buildings on campus where smokers are permitted to smoke instead of requiring area be designated in each building. Amends TCA Section 4-4-121.

Senate Bill No. 3333 by Senator Beavers.

Lottery -- Authorizes the Wilson County High School Booster Club to conduct an annual event pursuant to Article XI, Section 5 of Constitution of Tennessee.

Senate Bill No. 3334 by Senator Beavers.

County Government -- Requires referendum approval of tax rate set by county commission. Amends TCA Title 5, Chapter 12; Title 5, Chapter 21; Title 5, Chapter 5; Title 67, Chapter 1, Part 6 and Title 67, Chapter 5.

Senate Bill No. 3335 by Senator Beavers.

County Officers -- Restores the office of constable in DeKalb County. Amends TCA Section 8-10-101.

Senate Bill No. 3336 by Senator Beavers.

Utilities, Utility Districts -- Provides for selection of additional commissioners for certain multi-county water utility districts having a service area primarily located in DeKalb County. Amends TCA Section 7-82-307.

Senate Bill No. 3337 by Senator Beavers.

Special License Plates -- Authorizes issuance of new specialty earmarked license plates to honor Tennessee's teachers; allocates 50 percent of funds produced from sale thereof, minus expenses, to local schools, local school systems or educational foundations pursuant to allocation formula established for "Helping Schools" plates. Amends TCA Title 55, Chapter 4.

Senate Bill No. 3338 by Senator Ford.

Safety -- Extends duration of professional boxing licenses for promoters, boxers, managers, seconds, referees, judges and timekeepers to three years by superceding the administrative rule which set the duration at two years and reduces the gross receipts tax of matches from 4 percent to 3 percent. Amends TCA Title 68, Chapter 115, Part 2.

Senate Bill No. 3339 by Senator Graves.

Education, State Board of -- Provides for review by state board of education of all disciplinary actions taken by TSSAA and requires state board to limit TSSAA percentage of revenues from playoff games to 25 percent. Amends TCA Title 49, Chapter 1, Part 3.

Senate Bill No. 3340 by Senator Graves.

Insurance, Health, Accident -- Enacts the "Health Insurance Mandated Benefits Review Act". Amends TCA Title 3 and Title 56.

Senate Bill No. 3341 by Senator Southerland.

Sheriffs -- Consolidates references to sheriffs' duties found throughout the code into one subsection. Amends TCA Title 8, Chapter 8, Part 2.

Senate Bill No. 3342 by Mr. Speaker Wilder.

Codes -- Increases fees for inspection of electrical services. Amends TCA Title 68, Chapter 102, Part 1.

Senate Bill No. 3343 by Senator Henry.

Public Property -- Requires public servants and contract auditors to report known instances of theft, conversion or fraud by any public servant or public contractor and authorizes the comptroller to prescribe a method for making the reports.

Senate Bill No. 3344 by Senator Kyle.

Taxes -- Extends time for filing suit from denial of refund of taxes by Commissioner of Revenue from six months after denial to one year after filing of claim for refund. Amends TCA Title 67, Chapter 1.

Senate Bill No. 3345 by Senator Kyle.

Radio and Television -- Imposes 9 percent privilege tax on certain cable television services; exempts cable television services taxable under privilege tax from sales tax; provides credit against privilege tax for any sales tax paid on cable television services. Amends TCA Title 67, Chapter 4, Part 24 and Title 67, Chapter 6.

Senate Bill No. 3346 by Senator Kyle.

Local Government, General -- Repeals section preempting local governments from regulating tobacco products. Repeals TCA Section 39-17-1551.

Senate Bill No. 3347 by Senator Harper.

Lottery -- Authorizes the Tennessee Hemophilia and Bleeding Disorders Foundation to conduct an annual event to benefit the organization.

Senate Bill No. 3348 by Senator Harper.

Lottery -- Authorizes the Mental Health Association to conduct an annual event pursuant to Article XI, Section 5 of Constitution of Tennessee.

Senate Bill No. 3349 by Senator Bryson.

Basic Education Program (BEP) -- Provides that 40 percent of growth funds under the BEP are to be distributed to eligible LEAs by January 1 with the remainder distributed by the subsequent June 30. Amends TCA Section 49-3-351.

Senate Bill No. 3350 by Senator Burchett.

Boards and Commissions -- Authorizes termination of term of member who does not attend two consecutive meetings without good cause, authorizes emergency meetings upon five days' notice. Amends TCA Title 4, Chapter 34.

Senate Bill No. 3351 by Senator Burchett.

Utilities, Utility Districts -- Provides for increased membership on the board of commissioners for certain merged utility districts having a service area lying in whole or in part in a charter county. Amends TCA Title 7, Chapter 82.

Senate Bill No. 3352 by Senator Burchett.

Medical Occupations -- Prohibits certain medical professionals from billing for anatomic pathology services unless the professional personally performs the services. Amends TCA Title 56; Title 63 and Title 68.

Senate Bill No. 3353 by Senator Burchett.

Utilities, Utility Districts -- Authorizes certain utility districts, located in whole or in part in a charter county, to merge with other utility districts. Amends TCA Title 7, Chapter 82.

Senate Bill No. 3354 by Senator Norris.

Corporations, Not for Profit -- Revises manner in which appointed director of nonprofit corporation may be removed. Amends TCA Section 48-58-109.

Senate Bill No. 3355 by Senator Person.

Courts, Municipal -- Enacts the "Municipal Court Reform Act". Amends TCA Title 6, Chapter 17, Part 1; Title 6, Chapter 18, Part 3; Title 6, Chapter 21, Part 5; Title 6, Chapter 33, Part 1; Title 6, Chapter 4, Part 3; Title 6, Chapter 56, Part 1; Title 16, Chapter 18, Part 3; Title 16, Chapter 21, Part 1; Title 16, Chapter 17, Part 1; Title 16, Chapter 18, Part 2; Title 17, Chapter 3; Title 17, Chapter 5, Part 2; Title 55, Chapter 10, Part 3 and Title 67, Chapter 4, Part 6.

Senate Bill No. 3356 by Senator Clabough.

Education -- Exempts all state funds available to any LEA from trustee's commission. Amends TCA Title 49, Chapter 3.

Senate Bill No. 3357 by Senator Clabough.

Motor Vehicles -- Requires the Department of Safety to include insurance information on accident report forms and forbids any state agency from selling personal information from a completed accident report. Amends TCA Title 55.

Senate Bill No. 3358 by Senator Herron.

General Assembly, Studies -- Extends reporting deadline of special joint committee created to perform comprehensive analysis of predatory lending from February 28, 2004, to May 1, 2005. Amends Chapter 316 of the Public Acts of 2003 and Chapter 871 of the Public Acts of 2002.

Senate Bill No. 3359 by Senators Herron and Kurita.

Highway Signs -- "Van Riggins Memorial Highway", U.S. 79 in Stewart County.

Senate Bill No. 3360 by Senator Herron.

Highway Signs -- Provides for erection of directional signs for Tennessee's Kentucky Lake Recreational Area and Scenic Tennessee River on I-40 in Benton and Humphreys counties.

Senate Bill No. 3361 by Senator Herron.

State Symbols -- Designates the historic Tennessee River Freshwater Pearl Farm and Museum in Benton County as the official site of Tennessee freshwater pearl culturing. Amends TCA Section 4-1-310.

Senate Bill No. 3362 by Senator Herron.

Banks and Financial Institutions -- Requires any bank or financial institution to annually file a report with Commissioner of Financial Institutions that lists names and primary addresses of each bank or financial institution's operating subsidiaries and financial subsidiaries; provides that such report is a public record. Amends TCA Title 10, Chapter 7, Part 5 and Title 45.

Senate Bill No. 3363 by Senator Herron.

Home Improvement Contractors -- Increases from \$10,000 to \$25,000 amount of bond required of home improvement contractors; prohibits home improvement contractors from accepting any consideration for referring a borrower to a lender. Amends TCA Title 62, Chapter 37.

Senate Bill No. 3364 by Senators Bryson, Dixon and Graves.

Criminal Offenses -- Creates Class C felony offense of identity theft trafficking; declares that victim of identity theft is also a crime victim; establishes method for law enforcement to obtain records from public or private entity in cases of identity theft; and establishes standards for destruction of records maintained by private entity that contains personal identifying information concerning a client. Amends TCA Title 39, Chapter 14, Part 1 and Title 40, Chapter 38.

Senate Bill No. 3365 by Senator Person.

Juvenile Offenders -- Revises Interstate Compact for Juveniles. Amends TCA Title 37.

Senate Bill No. 3366 by Senator Trail.

Telecommunications -- Restates that a telephone call made in Tennessee between two points in the same Local Access and Transport Area (LATA), rather than in the same county, is classified as a toll-free telephone call which is not billed to a customer unless prohibited by federal law from providing LATA-wide service in a particular LATA. Amends TCA Title 65, Chapter 21, Part 1.

Senate Bill No. 3367 by Senator Person.

Juvenile Offenders -- Exempts children adjudicated delinquent and placed in a hardware secure facility from any policies of that facility that prohibit the use of medications, mechanical restraints, seclusion and other types of restraint or confinement on the children. Amends TCA Section 37-2-205.

Senate Bill No. 3368 by Senator Kyle.

Appropriations -- Appropriates sum sufficient to restore Tennessee Housing Development Authority assets funds transferred to general fund in 2003-2004 fiscal year.

Senate Bill No. 3369 by Senator Burchett.

Motor Vehicles -- Prohibits motor vehicle windshield wipers from having lights or reflectors. Amends TCA Title 55, Chapter 9, Part 2.

Senate Bill No. 3370 by Senator Kyle.

Appropriations -- Appropriates \$10,000,000 to proportionately restore land acquisition fund balances transferred to the general fund in 2003-2004 fiscal year.

Senate Bill No. 3371 by Senator Burchett.

Motor Vehicles, Titling and Registration -- Prohibits any materials around a license plate that covers or conceals any information on the license plate; prohibits any tinted material from covering a license plate. Amends TCA Title 55, Chapter 4, Part 1.

Senate Bill No. 3372 by Senator Graves.

Courts, General Sessions -- Deletes authority of Robertson County general sessions courts judges to hire their own court officers. Amends TCA Section 8-8-201.

Senate Bill No. 3373 by Senator Dixon.

Public Contracts -- Requires the Department of General Services, in determining eligibility under the small business and minority owned business purchasing and contracting act, to consider a firm

applying as a minority owned business favorably if the firm's principal place of business is in Tennessee or if the firm provides comprehensive health insurance for all employees. Amends TCA Title 12, Chapter 3, Part 8.

Senate Bill No. 3374 by Senator Dixon.

Malpractice, Professional -- Decreases threshold amount for reporting cases to Department of Health involving medical malpractice judgments or settlements to \$5,000. Amends TCA Title 63, Chapter 51.

Senate Bill No. 3375 by Senator Trail.

Real Property -- Prohibits homeowners' associations from prohibiting owners or lessees of condominium from having satellite dishes. Amends TCA Title 66, Chapter 27.

Senate Bill No. 3376 by Senator Crutchfield.

Insurance, Health, Accident -- Makes certain laws and regulations applicable to prepaid limited health service organizations; authorizes commissioner to suspend or revoke certificate of authority of HMO if HMO filed sworn financial statement containing material omissions or errors.

Senate Bill No. 3377 by Senator Crutchfield.

Business and Commerce -- Requires general services commissioner to report annually numbers of bids by all businesses, including small and minority-owned businesses; report shall include purchase amounts awarded to all businesses.

Senate Bill No. 3378 by Senator Crutchfield.

Labor and Workforce Development, Dept. of -- Permits TOSHA to investigate alleged discrimination against local government employees and take appropriate enforcement action against local government for such discriminatory practices.

Senate Bill No. 3379 by Senator Crutchfield.

Textbooks -- Requires school boards to determine the number of teachers to serve on textbook recommendation committee instead of requiring that the committee have three to five teachers.

Senate Bill No. 3380 by Senator Crutchfield.

Education, Higher -- Requires that person seeking baccalaureate degree earn credit in American history consisting of nine semester hours or 12 quarter hours instead of six semester hours or nine quarter hours.

Senate Bill No. 3381 by Senator Crutchfield.

Veterans -- Removes requirement that assistant commissioner or service officer visit each county seat monthly within such person's congressional district and gives commissioner or officer discretion in making monthly visit.

Senate Bill No. 3382 by Senator Crutchfield.

Taxes, Gasoline, Petroleum Products -- Authorizes Commissioner of Safety to require a permittee or licensee to make gasoline tax, motor fuel tax, or alternative fuel tax payments in cash or by money order, certified check, or cashier's check.

Senate Bill No. 3383 by Senator Crutchfield.

Motor Vehicles, Titling and Registration -- Removes requirements that registration plates be debossed or embossed.

Senate Bill No. 3384 by Senator Crutchfield.

Surplus Property -- Expands the exception to the prohibition on state officials and employees purchasing surplus property from the state to allow purchase by Internet auction in addition to allowing purchase by bid at a public auction.

Senate Bill No. 3385 by Senator Crutchfield.

Sports -- Repeals all provisions regarding toughman and badman matches.

Senate Bill No. 3386 by Senator Crutchfield.

Mental Health and Developmental Disabilities, Dept. of -- Revises various decision-making requirements concerning mental health treatment. Amends TCA Title 33.

Senate Bill No. 3387 by Senator Crutchfield.

Hospitals and Health Care Facilities -- Specifically excludes "mental health residential treatment facility" from the definition of "health care institution" thereby exempting such facilities from certification of need requirements. Amends TCA Section 68-11-1602.

Senate Bill No. 3388 by Senator Crutchfield.

Private Investigators -- Requires licensees seeking biennial renewal to complete 12 hours of continuing education during the two-year period prior to renewal.

Senate Bill No. 3389 by Senator Crutchfield.

Unemployment Compensation -- Redefines "agricultural labor" for purposes of unemployment compensation to clarify it means a farm operated for profit if such service is not in the course of the employer's trade or business or is not domestic service in a private home of the employer. Amends TCA Section 50-7-207(f)(1)(E).

Senate Bill No. 3390 by Senator Crutchfield.

Mental Illness -- Authorizes, in certain circumstances, audio-video conferencing for judicial hearings concerning persons with mental illness. Amends TCA Title 33.

Senate Bill No. 3391 by Senator Crutchfield.

Unemployment Compensation -- Revises provisions for contesting unemployment insurance tax collected or administered by the Commissioner of Labor and Workforce Development. Amends TCA Section 9-8-402(a)(2).

Senate Bill No. 3392 by Senator Crutchfield.

TennCare -- Prevents denial of eligibility for persons residing in battered women's shelter who are unable to provide evidence of legal place of residence or telephone number. Amends TCA Title 10; Title 12; Title 20; Title 29; Title 33; Title 37; Title 39; Title 40; Title 41; Title 47; Title 49; Title 50; Title 53; Title 55; Title 56; Title 58; Title 63; Title 67; Title 68 and Title 71.

Senate Bill No. 3393 by Senator Crutchfield.

Labor and Workforce Development, Dept. of -- Effective July 1, 2004, revises formula for assignment of annual unemployment insurance premium rates for new employers. Amends TCA Section 50-7-403(b)(1)(B).

Senate Bill No. 3394 by Senator Crutchfield.

TennCare -- Removes reference to "office of health services" in provision giving subpoena and related powers to the program integrity unit. Amends TCA Title 4; Title 20; Title 29; Title 39; Title 40; Title 41; Title 47; Title 53; Title 56; Title 68 and Title 71.

Senate Bill No. 3395 by Senator Crutchfield.

Local Education Agency -- Permits appeal of commissioner's decision to remove director of schools or school board member of school or school system on probation to be made to chancery court in county in which local board of education is located. Amends TCA Title 49, Chapter 1, Part 6.

Senate Bill No. 3396 by Senator Crutchfield.

Boards and Commissions -- Increases period of validity for certifications, licenses and registrations granted by board for licensing alarm systems contractors from 12 to 24 months. Amends TCA Title 62, Chapter 32, Section 317.

Senate Bill No. 3397 by Senator Crutchfield.

Education, State Board of -- Requires state board of education review committee for BEP to conduct annual assessment of instructional salaries in each local education agency and prepare analysis of grand total salary disparity, including percentage difference between bottom quartile and top quartile of school systems based on grand total salary. Amends TCA Title 49.

Senate Bill No. 3398 by Senator Crutchfield.

State Government -- Exempts certain employees of the Department of Transportation's office of incident management from certain overtime provisions. Amends TCA Section 4-4-105(c).

Senate Bill No. 3399 by Senator Crutchfield.

Fire Prevention and Investigation -- Grants immunity from civil liability to local fire officials and departments reporting information relative to fires of suspicious origin to commissioner, provided that such person or entity acted in good faith and without malice in providing such information. Amends TCA Section 68-102-111.

Senate Bill No. 3400 by Senator Crutchfield.

Transportation, Dept. of -- Allows department to conduct studies to determine whether disadvantaged groups are underutilized on construction projects. Amends TCA Title 4, Chapter 3, Part 23.

Senate Bill No. 3401 by Senator Crutchfield.

Unemployment Compensation -- Requires certain employers using leased employees to be jointly and severally liable along with employee leasing businesses for unemployment premiums attributable to leased employees. Amends TCA Section 50-7-404; Section 50-7-403(a) and (b) and Section 62-43-113(b)(2).

Senate Bill No. 3402 by Senator Crutchfield.

Highways, Roads and Bridges -- Increases state share on projects under bridge grant program from no more than 70 percent to no more than 80 percent; allows change in percentage to apply to unexpended balances from appropriations prior to 2004 if not subject of written agreement.

Senate Bill No. 3403 by Senator Crutchfield.

Transportation, Dept. of -- Grants commissioner emergency contracting authority in event of transportation system failure or other emergency that presents hazard to the traveling public or significant delay in transportation.

Senate Bill No. 3404 by Senator Crutchfield.

Civil Service -- Allows promotion list given to appointing authority to consist of ten available eligible persons instead of three.

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Senate Bill No. 3405 by Senator Crutchfield.

Medical Occupations -- Revises time frame for completion of United States medical licensing examination for applicant to be licensed to practice medicine or surgery in this state.

Senate Bill No. 3406 by Senator Crutchfield.

Civil Service -- Increases time Department of Personnel has to notify person whose name is removed from a promotion or employment list from within 10 days to within 20 days.

Senate Bill No. 3407 by Senator Crutchfield.

Health, Dept. of -- Enacts the "Minority Health Act of 2004".

Senate Bill No. 3408 by Senator Crutchfield.

Dentists -- Adds application of fluoride to teeth of at risk, underserved persons in state, county or municipal public health clinic by nurses or nurse practitioners to list of practices exempt from other laws regulating dentists.

Senate Bill No. 3409 by Senator Crutchfield.

Solid Waste Disposal -- Requires revision of regional solid waste management plans every 10 years and revises requirements for certain funds and tipping fees. Amends TCA Title 68, Chapter 212, Part 1 and Title 68, Chapter 211, Part 1 and Part 8.

Senate Bill No. 3410 by Senator Crutchfield.

Air Pollution -- Revises requirements concerning emissions testing of certain vehicles.

Senate Bill No. 3411 by Senator Crutchfield.

Parks, Natural Areas Preservation -- Requires Commissioner or designee of Department of Environment and Conservation and Commissioner or designee of Department of Tourist Development to serve as ex officio members of Great Smoky Mountains Park commission. Amends TCA Section 11-19-102.

Senate Bill No. 3412 by Senator Crutchfield.

Parks, Natural Areas Preservation -- Allows Commissioner of Environment and Conservation to purchase services for state park operations without approval of any other state agency. Amends TCA Section 11-3-112.

Senate Bill No. 3413 by Senator Crutchfield.

Gas, Petroleum Products, Volatile Oils -- Allows petroleum underground storage tank board to determine amount of fiscal responsibility for tank owners or operators or owner of petroleum site for each occurrence of contamination and for third party claims. Amends TCA Title 67, Chapter 3 and Title 68, Chapter 215.

Senate Bill No. 3414 by Senator Crutchfield.

Parks, Natural Areas Preservation -- Designates Manus Road Cedar Glade as Class II Natural-Scientific Area. Amends TCA Section 11-14-108.

Senate Bill No. 3415 by Senators Henry and Crutchfield.

Appropriations -- Makes appropriations for fiscal years 2003-2004, 2004-2005.

Senate Bill No. 3416 by Senator Crutchfield.

Probate Law -- Adds probate courts in Knox County and Hamilton County to courts having jurisdiction on complaints for commitment. Amends TCA Title 33.

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Senate Bill No. 3417 by Senator Crutchfield.

Finance and Administration, Dept. of -- Allows commissioner to issue warrant if refusing to issue warrant would result in interruption of essential services. Amends TCA Section 9-4-604.

Senate Bill No. 3418 by Senator Crutchfield.

Taxes -- Revises certain allocations of sales and use taxes; revises application of business tax to certain services; removes exemption from occupation privilege tax for full-time state employees.

Senate Bill No. 3419 by Senator Crutchfield.

Taxes, Sales -- Authorizes Commissioner of Revenue to enter into managed compliance agreements concerning sales and use tax rates with an eligible dealer in certain circumstances.

Senate Bill No. 3420 by Senator Crutchfield.

Commerce and Insurance, Dept. of -- Allows commissioner discretion to require insurer placed under administrative supervision to pay reasonable costs incurred during the supervision. Amends TCA Title 56, Chapter 9, Part 5.

Senate Bill No. 3421 by Senator Crutchfield.

Commerce and Insurance, Dept. of -- Authorizes department to query TBI's criminal history records, orders of protection files and other similar databases, including FBI files, when such records are necessary in the performance of the department's licensure, permit and consumer protection duties.

Senate Bill No. 3422 by Senator Crutchfield.

Hospitals and Health Care Facilities -- Increases from 48 weeks in each calendar year to 50 weeks in each calendar year the amount of time a registered nurse must be available on a nursing home premises to consult, review and advise on the quality of nursing care. Amends TCA Title 68, Chapter 11.

Senate Bill No. 3423 by Senator Crutchfield.

Ethics -- Increases from two to five years the time for which a member of the health services and development agency is ineligible for appointment to any agency after a determination by the agency or any court that the member failed to disclose a conflict of interest and was terminated from the agency due to such failure.

Senate Bill No. 3424 by Senator Crutchfield.

Workers' Compensation -- Increases from \$2,000 to \$5,000 per incident the penalty imposed against an insurance company authorized to write workers' compensation insurance that fails to submit its modification factors (or rates) for each of its workers' compensation insureds to the Commissioner of Commerce and Insurance, when requested by the commissioner.

Senate Bill No. 3425 by Senator Crutchfield.

Transportation, Dept. of -- Allows the Commissioner of Transportation to declare provisions of Tennessee Code Annotated inoperable if the commission determines the provisions conflict with a condition placed on the receipt of federal matching funds; requires notice of such a declaration to the governor, attorney general, comptroller, and Speakers of the House and Senate.

Senate Bill No. 3426 by Senator Crutchfield.

Law Enforcement -- Authorizes the office of homeland security to apply to Commissioner of Safety to commission law enforcement officers as peace officers for the office.

Senate Bill No. 3427 by Senator Crutchfield.

Taxes, Excise -- Revises provisions governing depreciation for purposes of determining net earnings or losses.

Senate Bill No. 3428 by Senator Crutchfield.

Taxes -- Includes in net earnings for excise taxes deductible tangible expenses connected with affiliated business entities; revises other various franchise and excise tax provisions.

Senate Bill No. 3429 by Senator Crutchfield.

Taxes, Sales -- Establishes procedures for purchasers and sellers to request refund for sales tax collected from customers on charges for Internet access which under the Prodigy decision were ruled to be not subject to sales and use tax in Tennessee. Amends TCA Title 67.

Senate Bill No. 3430 by Senator Crutchfield.

Driver Licenses -- Prohibits the issuance of driver licenses to anyone who is not legally in the U.S. and creates a 'certificate for driving' for those in the U.S. who cannot establish their legal status.

Senate Bill No. 3431 by Senator Crutchfield.

Boards and Commissions -- Increases from two to five the number of nominees to be submitted by the agencies responsible for nominating candidates for appointment to the Commission on Aging and Disability.

Senate Bill No. 3432 by Senator Crutchfield.

Livestock -- Adds "equine" to definition of livestock; increases penalty for operating as livestock dealer without a valid license to Class A misdemeanor.

Senate Bill No. 3433 by Senators Henry and Crutchfield.

Appropriations -- Authorizes appropriations to exceed estimated growth in state's economy.

Senate Bill No. 3434 by Senators Henry and Crutchfield.

Bond Issues -- Authorizes issuance of bonds to fund state projects.

Senate Bill No. 3435 by Senator Herron.

Scholarships and Financial Aid -- Provides lottery scholarships to citizens of Tennessee who are dependent children and spouses of Tennessee military personnel who were killed in action, prisoners of war, or missing in action. Amends TCA Title 49, Chapter 4, Part 9.

Senate Bill No. 3436 by Senator Ford.

State Employees -- Removes any requirement in the state employee sick leave bank that an employee agreeing to donate sick leave to another employee must donate a minimum of ten days and prohibits any minimum being required. Amends TCA Title 8, Chapter 50, Part 9.

Senate Bill No. 3437 by Senator Kurita.

Correctional Programs -- Increases daily room and board rate per inmate from not less than \$5.00 nor more than \$12.50 to not less than \$7.50 nor more than \$15.00; increases community corrections supervision fee from \$15.00 per month to \$20.00 per month. Amends TCA Title 40 and Title 41.

Senate Bill No. 3438 by Senator Dixon.

Hospitals and Health Care Facilities -- Lowers annual regulatory fee paid to the Department of Health for homes for the aged with five beds or less from \$600 to \$200. Amends TCA Title 68.

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Senate Bill No. 3439 by Senator Herron.

Workers' Compensation -- Imposes a civil penalty on employees who file false medical and lost wage claims under workers' compensation. Amends TCA Title 38; Title 39; Title 50 and Title 56.

Senate Bill No. 3440 by Senator Crutchfield.

State Symbols -- Provides that every person has the right to appropriately display the flag of the State of Tennessee or the United States unless such display is prohibited by a state or federal law, contract or restrictive covenant. Amends TCA Title 4, Chapter 1, Part 3.

Senate Bill No. 3441 by Senator Jackson.

Sexual Offenses -- Makes certain information concerning all sexual offenders who are registered or required to register with the sexual offender registry public information and directs TBI to put such information on the state's Internet home page on or before January 1, 2005. Amends TCA Title 40, Chapter 39.

Senate Bill No. 3442 by Senator Jackson.

Criminal Offenses -- Removes exemption from tarpaulin requirement for motor vehicles hauling agricultural products. Amends TCA Title 39, Chapter 14, Part 5.

Senate Bill No. 3443 by Senator Jackson.

Child Custody and Support -- Establishes a rebuttable presumption that equally shared parenting is in the best interest of a child, unless the parents have agreed in open court to a different custody arrangement. Amends TCA Title 36, Chapter 6.

Senate Bill No. 3444 by Senator Jackson.

Local Education Agency -- Provides for re-establishment of elected office of school superintendent in certain counties upon two-thirds vote of governing body; provides for qualifications of candidates. Amends TCA Section 49-2-301.

Senate Bill No. 3445 by Senator Kyle.

Lottery -- Enacts the "Charitable Gaming Operators Licensing Law". Amends TCA Title 3; Title 4; Title 38; Title 39 and Title 48.

Senate Bill No. 3446 by Senator Jackson.

Scholarships and Financial Aid -- Provides lottery scholarships to citizens of Tennessee who are dependent children and spouses of Tennessee military personnel who were killed in action, prisoners of war, or missing in action. Amends TCA Title 49, Chapter 4, Part 9.

Senate Bill No. 3447 by Senator Crutchfield.

Biocides and Herbicides -- Requires sales of pesticides classified by Commissioner of Agriculture as being for restricted use, only to persons holding and who show proof of valid certificate or license issued by the department; increases penalty from Class C to Class A misdemeanor for certain violations.

Senate Bill No. 3448 by Senator Crutchfield.

State Government -- Authorizes Commissioner of Finance and Administration to make certain decisions concerning carry forwards and transfer of funds to general fund from certain reserve accounts or programs for purposes of funding operations of state government, subject to specific provisions of an appropriation act. Amends TCA Title 4; Title 54; Title 55; Title 57; Title 65 and Title 67.

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Senate Bill No. 3449 by Senator Crutchfield.

Taxes, Excise -- Establishes procedures for requesting an extension of time in which to file tax return.

Senate Bill No. 3450 by Senator Crutchfield.

Appropriations -- Makes appropriations for fiscal years 2003-2004, 2004-2005.

Senate Bill No. 3451 by Senator Crutchfield.

Guardianship -- Requires that guardians ad litem and nonlawyer special advocates receive training appropriate for the respective roles before appointment. Amends TCA Title 37-1-149.

Senate Bill No. 3452 by Senator Crutchfield.

Labor -- Exempts from public records names and titles of witnesses to OSHA investigations, increases time for state and local agencies to respond to allegations by Commissioner of Labor and Workforce Development that conditions or practices are endangering employees' health. Amends TCA Title 50, Chapter 3.

Senate Bill No. 3453 by Senator Crutchfield.

Veterinarians -- Allows state veterinarian to serve as non-voting, ex-officio member of board of veterinary medical examiners. Amends TCA Section 63-12-104.

Senate Bill No. 3454 by Senator Crutchfield.

Revenue, Dept. of -- Authorizes commissioner to accept credit and debit cards for payment of taxes under certain circumstances.

Senate Bill No. 3455 by Senator Crutchfield.

Mortgages -- Establishes registration requirements for mortgage loan originators; revises other provisions governing residential lending, brokerage and services.

Senate Bill No. 3456 by Senator Crutchfield.

Appropriations -- Authorizes appropriations to exceed estimated growth in state's economy.

Senate Bill No. 3457 by Senator Crutchfield.

Taxes -- Revises various tax provisions including allowing payment of taxes by credit and debit cards, establishing procedures for requesting an extension to time to file excise and franchise tax returns, and authorizing the Commissioner of Revenue to enter into certain agreements.

Senate Bill No. 3458 by Senator Crutchfield.

Transportation, Dept. of -- Revises provisions governing when department may settle with a contractor and close a project.

Senate Bill No. 3459 by Senator Crutchfield.

Hospitals and Health Care Facilities -- Revises provisions governing access to patients' medical records.

Senate Bill No. 3460 by Senator Crutchfield.

Tennessee Wildlife Resources Agency -- Authorizes the agency to enter into agreements with the U.S. Coast Guard to enforce federal regulations in connection with homeland security related activities on state waters; the office of homeland security must approve all such agreements.

Senate Bill No. 3461 by Senator Crutchfield.

Taxes -- Revises provisions governing the job tax credit against franchise and excise taxes for qualified business enterprises in economically distressed areas.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committee:

Senate Bill No. 3140 referred to Committee on General Welfare, Health and Human Resources.

Senate Bill No. 3141 referred to Committee on Judiciary.

Senate Bill No. 3142 referred to Committee on Finance, Ways and Means.

Senate Bill No. 3143 referred to Committee on State and Local Government.

Senate Bill No. 3144 referred to Committee on Transportation.

Senate Bill No. 3145 referred to Committee on Finance, Ways and Means.

Senate Bill No. 3146 referred to Committee on Judiciary.

Senate Bill No. 3147 referred to Committee on State and Local Government.

Senate Bill No. 3148 referred to Committee on Judiciary.

Senate Bill No. 3149 referred to Committee on General Welfare, Health and Human Resources.

Senate Bill No. 3150 referred to Committee on Transportation.

Senate Bill No. 3151 referred to Committee on Transportation.

Senate Bill No. 3152 referred to Committee on Education.

Senate Bill No. 3153 referred to Committee on Transportation.

Senate Bill No. 3154 referred to Committee on Judiciary.

Senate Bill No. 3155 referred to Committee on Judiciary.

Senate Bill No. 3156 referred to Committee on Finance, Ways and Means.

Senate Bill No. 3157 referred to Committee on Education.

Senate Bill No. 3158 referred to Committee on Education.

Senate Bill No. 3159 referred to Committee on Judiciary.

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Senate Bill No. 3160 referred to Committee on Transportation.

Senate Bill No. 3161 referred to Committee on State and Local Government.

Senate Bill No. 3162 held on desk.

Senate Bill No. 3163 referred to Committee on General Welfare, Health and Human Resources.

Senate Bill No. 3164 referred to Committee on Transportation.

Senate Bill No. 3165 held on desk.

Senate Bill No. 3166 referred to Committee on State and Local Government.

Senate Bill No. 3167 referred to Committee on State and Local Government.

Senate Bill No. 3168 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 3169 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 3170 referred to Committee on Transportation.

Senate Bill No. 3171 referred to Committee on Transportation.

Senate Bill No. 3172 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 3173 referred to Committee on Environment, Conservation and Tourism.

Senate Bill No. 3174 held on desk.

Senate Bill No. 3175 referred to Committee on Transportation.

Senate Bill No. 3176 referred to Committee on Education.

Senate Bill No. 3177 referred to Committee on General Welfare, Health and Human Resources.

Senate Bill No. 3178 referred to Committee on Finance, Ways and Means.

Senate Bill No. 3179 referred to Committee on State and Local Government.

Senate Bill No. 3180 referred to Committee on Judiciary.

Senate Bill No. 3181 referred to Committee on Judiciary.

Senate Bill No. 3182 referred to Committee on Judiciary.

Senate Bill No. 3183 referred to Committee on Finance, Ways and Means.

Senate Bill No. 3184 held on desk.

Senate Bill No. 3185 referred to Committee on Government Operations.

Senate Bill No. 3186 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 3187 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 3188 referred to Committee on State and Local Government.

Senate Bill No. 3189 referred to Committee on Finance, Ways and Means.

Senate Bill No. 3190 held on desk.

Senate Bill No. 3191 referred to Committee on Finance, Ways and Means.

Senate Bill No. 3192 held on desk.

Senate Bill No. 3193 referred to Committee on State and Local Government.

Senate Bill No. 3194 referred to Committee on Finance, Ways and Means.

Senate Bill No. 3195 referred to Committee on Finance, Ways and Means.

Senate Bill No. 3196 referred to Committee on Judiciary.

Senate Bill No. 3197 referred to Committee on Judiciary.

Senate Bill No. 3198 referred to Committee on State and Local Government.

Senate Bill No. 3199 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 3200 referred to Committee on Transportation.

Senate Bill No. 3201 referred to Committee on Transportation.

Senate Bill No. 3202 referred to Committee on Commerce, Labor and Agriculture.

Senate Bill No. 3203 referred to Committee on Judiciary.

Senate Bill No. 3204 referred to Committee on Transportation.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 729 by Senator Crutchfield.
Memorials, Recognition -- Pedro Alvarez.

Senate Joint Resolution No. 730 by Senator Norris.
Memorials, Public Service -- William L. "Bill" Ray.

Senate Joint Resolution No. 731 by Senator Miller.

Memorials, Death -- Virginia Jones.

Senate Joint Resolution No. 732 by Senator Southerland.

Memorials, Death -- Deloris J. (Dee) Francis.

Senate Joint Resolution No. 733 by Senator McNally.

Constitutional Amendments -- Guarantees qualified voters the right to recall county officers, judicial officers and other elected civil officers; requires number of voters to equal 25 percent of votes cast in last election of public officer to petition for recall; grants general assembly authority to enact laws to implement provisions.

Senate Joint Resolution No. 734 by Senator Dixon.

General Assembly, Directed Studies -- Encourages state board of education to review required tests for teacher licensure.

Senate Joint Resolution No. 735 by Senator Jackson.

Memorials, Death -- William Slayden, II, Colonel, United States Army, Retired.

Senate Joint Resolution No. 736 by Senator Jackson.

Memorials, Heroism -- Private Justin E. Curtis, recipient of Purple Heart.

Senate Resolution No. 120 by Senator Person.

General Assembly, Review or Ratification of Rules -- Approves amendments to Tennessee rules of civil procedure promulgated by supreme court.

Senate Resolution No. 121 by Senator Person.

General Assembly, Review or Ratification of Rules -- Approves amendments to Tennessee rules of appellate procedure.

Senate Resolution No. 122 by Senator Person.

General Assembly, Review or Ratification of Rules -- Approves amendments to Tennessee rules of juvenile procedure promulgated by the supreme court.

RESOLUTIONS LYING OVER

Senate Joint Resolution No. 719 -- Memorials, Congratulations -- Wilson County Fair, 2003

Champion of Champions Award.

The Speaker announced that he had referred Senate Joint Resolution No. 719 to Committee on Calendar.

Senate Joint Resolution No. 720 -- Memorials, Recognition -- Buddy Patey.

The Speaker announced that he had referred Senate Joint Resolution No. 720 to Committee on Calendar.

Senate Joint Resolution No. 721 -- Constitutional Amendments -- Requires every act of

general assembly levying a tax to state the special object to which it is to be applied and prohibits it from being applied to other purposes.

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The Speaker announced that he had referred Senate Joint Resolution No. 721 to Committee on Judiciary.

Senate Joint Resolution No. 722 -- Naming and Designating -- David Nelson, Tennessee Cowboy Poet Laureate.

The Speaker announced that he had referred Senate Joint Resolution No. 722 to Committee on State and Local Government.

Senate Joint Resolution No. 723 -- Memorials, Recognition -- Foster Care Month.

The Speaker announced that he had referred Senate Joint Resolution No. 723 to Committee on General Welfare, Health and Human Resources.

Senate Joint Resolution No. 725 -- Memorials, Personal Occasion -- Mark and Sharon Cawood, wedding.

The Speaker announced that he had referred Senate Joint Resolution No. 725 to Committee on Calendar.

Senate Joint Resolution No. 726 -- Memorials, Death -- Robert Bibb Frost, Sr.

The Speaker announced that he had referred Senate Joint Resolution No. 726 to Committee on Calendar.

Senate Joint Resolution No. 727 -- Memorials, Death -- Edwin Court Huster, Jr.

The Speaker announced that he had referred Senate Joint Resolution No. 727 to Committee on Calendar.

Senate Joint Resolution No. 728 -- Memorials, Government Officials -- Directs Department of Transportation to cease and desist its use of any component of "Click It or Ticket" campaign that states or implies to public that Tennessee has primary seat belt enforcement law.

The Speaker announced that he had referred Senate Joint Resolution No. 728 to Committee on Transportation.

Senate Resolution No. 119 -- Memorials, Professional Achievement -- Michelle B. Marrs, Urban Journal's Person of the Year.

The Speaker announced that he had referred Senate Resolution No. 119 to Committee on Calendar.

CONSENT CALENDAR NO. 1

House Joint Resolution No. 819 -- Memorials, Death -- Sam Ridley.

House Joint Resolution No. 825 -- Memorials, Recognition -- Brenda S. Payne.

Senate Joint Resolution No. 712 -- Memorials, Death -- Avie Lee Caroline Owens Parton.

Senate Joint Resolution No. 713 -- Memorials, Heroism -- WAVES National Volunteer Unit 94.

Senate Joint Resolution No. 714 -- Memorials, Personal Occasion -- Kathryn Blackwell, 95th birthday.

Senate Joint Resolution No. 716 -- Memorials, Professional Achievement -- Flossie Tate, Tennessee's Outstanding Older Worker of the Year.

Senate Joint Resolution No. 717 -- Memorials, Death -- Betty Dailey.

Senator Crowe moved that all Senate Joint Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

MOTION

Senator Crowe moved that Consent Calendar No. 2 be placed behind the Regular Calendar for today, which motion prevailed.

LOCAL BILL CONSENT CALENDAR

Senate Bill No. 2508 -- Hamblen County -- Subject to local approval, repeals law that restricts killing and capturing of raccoons.

On motion, Senate Bill No. 2508 was made to conform with **House Bill No. 2442**.

On motion, House Bill No. 2442, on same subject, was substituted for Senate Bill No. 2508.

Senate Bill No. 2510 -- Hamblen County -- Subject to local approval, specifies that checks and warrants may be signed by the county executive and countersigned by the county finance director or signed by the road superintendent and countersigned by the chairman of the road commission. Amends Chapter 161 of the Private Acts of 1996.

On motion, Senate Bill No. 2510 was made to conform with **House Bill No. 2440**.

On motion, House Bill No. 2440, on same subject, was substituted for Senate Bill No. 2510.

Senate Bill No. 2513 -- Hamblen County -- Subject to local approval, transfers domestic relations jurisdiction from general sessions court to chancery court. Amends Chapter 374 of the Private Acts of 1951.

On motion, Senate Bill No. 2513 was made to conform with **House Bill No. 2441**.

On motion, House Bill No. 2441, on same subject, was substituted for Senate Bill No. 2513.

Senate Bill No. 3086 -- Marshall County -- Subject to local approval, revises hotel/motel tax concerning imposition of civil penalty for violation. Amends Chapter 30 of the Private Acts of 1993.

On motion, Senate Bill No. 3086 was made to conform with **House Bill No. 2189**.

On motion, House Bill No. 2189, on same subject, was substituted for Senate Bill No. 3086.

Senator Crowe moved that all House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	28
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kyle, McLeary, McNally, Miller, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

CALENDAR

Senator Graves moved that **Senate Bill No. 348** be placed on the calendar for Wednesday, February 11, 2004, which motion prevailed.

Senator Ramsey moved that **Senate Joint Resolution No. 711** be referred to Committee on Calendar, which motion prevailed.

CONSENT CALENDAR NO. 2

Objections having been raised, the following bills were placed at the heel of the calendar for Monday, February 9, 2004, pursuant to Rule 38: **Senate Bills Nos. 2252 and 2253**.

Senate Bill No. 2129 -- Municipal Government -- Permits persons residing outside municipality but owning at least 50 percent fee simple interest in property in Collegedale, by two-thirds vote of legislative body to vote in municipal elections. Amends TCA Title 6, Chapter 53, Part 1.

Senate Bill No. 2148 -- Boards and Commissions -- Revises quorum requirements of the air pollution control board, board of medical examiners and laboratory licensing board to be a majority of the members of such boards. Amends TCA Section 63-6-103; Section 68-201-104 and Section 68-29-109.

Senate Bill No. 2249 -- Financial Disclosure -- Allows filing of financial disclosure statements with appropriate authority by facsimile transmission. Amends TCA Title 8, Chapter 50, Part 5.

Senate Bill No. 2217 -- State Government -- Requires state departments to report to the general assembly information about federal grant funds received, including the amount and duration of the grant, the anticipated termination of the grant program, and the anticipated state

appropriations needed to continue the services following termination of the grant or grant program. Amends TCA Section 4-4-113.

Senate Bill No. 2280 -- State Symbols -- Designates A.C. Kalmbach Memorial Library in Chattanooga as an official railroad library of State of Tennessee. Amends TCA Title 4, Chapter 1, Part 3.

Senate Bill No. 2315 -- Budget Procedures -- Authorizes municipalities and counties to prepare and adopt biennial budgets upon approval of the state director of local finance and in accordance with rules and regulations promulgated by state director and approved by comptroller; also requires certain actions first be taken by local government. Amends TCA Title 4; Title 5; Title 6; Title 7 and Title 9.

Senate Bill No. 2317 -- Municipal Government -- Adds undergrounding of electrical and other utility cables, including streetscape improvements, to definition of improvement which requires municipalities to follow statutory procedures for making annual improvement assessments. Amends TCA Section 7-33-301.

Senate Bill No. 2322 -- Housing -- Allows persons who are local government, public housing authority, or non-profit corporation employees who do not have a financial interest in a housing development to serve on THDA board. Amends TCA Section 13-23-128.

Senate Bill No. 2330 -- Utilities, Utility Districts -- Defines the term "employees of local government and quasi-governmental organizations" to include utility district commissioners, for purposes of the local government health insurance plan. Amends TCA Section 7-82-308 and Title 8, Chapter 27.

Senate Bill No. 2337 -- State Government -- Raises the maximum employee suggestion award from \$6,000 to \$10,000; allows board to set higher award in extraordinary situations. Amends TCA Title 4, Chapter 27.

Senator Crowe moved that all Senate Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	29
Noes	0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kyle, McLeary, McNally, Miller, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

MOTION

Senator Crutchfield moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 729**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 729 -- Memorials, Recognition -- Pedro Alvarez.

On motion of Senator Crutchfield, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 729** was adopted by the following vote:

Ayes 29
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kyle, McLeary, McNally, Miller, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--29.

A motion to reconsider was tabled.

MOTION

Senator Crutchfield moved that the Proposed Schedule for the week of February 9, 2004, be adopted and made the action of the Senate, which motion prevailed by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Jackson, Ketron, Kilby, Kyle, McLeary, McNally, Miller, Norris, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

**TENNESSEE STATE SENATE
103rd GENERAL ASSEMBLY**

**PROPOSED SCHEDULE
FOR THE WEEK OF FEBRUARY 9, 2004**

MONDAY – February 9

5:00 p.m. Session – Senate Chamber

TUESDAY – February 10

8:30 a.m. – 10:30 a.m.	Finance, Ways & Means Committee
10:30 a.m. – 12:30 p.m.	State & Local Government Committee
12:30 p.m. – 1:30 p.m.	Lunch
1:30 p.m. – 3:30 p.m.	Commerce, Labor & Agriculture Committee
3:30 p.m. – 5:30 p.m.	Judiciary Committee

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WEDNESDAY – February 11

8:30 a.m. – 9:30 a.m.	Education Committee
9:30 a.m. – 10:30 a.m.	General Welfare, Health & Human Resources
10:30 a.m. – 11:30 a.m.	Environment, Conservation & Tourism Committee
11:30 a.m. – 12:30 p.m.	Lunch
12:30 p.m. – 1:30 p.m.	Transportation Committee
1:30 p.m. – 2:30 p.m.	Government Operations Committee
3:00 p.m.	Session – Senate Chamber

THURSDAY – February 12

9:00 a.m. Session – Senate Chamber

OTHER MEETINGS:

Monday, February 9, 2004 –	Select Oversight Committee on Corrections 1:30 p.m. – Room 12/14 LP
Tuesday, February 10, 2004 –	Commerce, Labor & Agriculture Pre-Meeting 7:30 a.m. – Third Floor Conference Room
Wednesday, February 11, 2004 –	Oversight Committee on Lottery 4:00 p.m. – Room 12/14 LP
Wednesday, February 11, 2004 –	General Welfare Subcommittee on Nursing Home Safety – 11:30 a.m. Room 12/14
Thursday, February 12, 2004 –	Joint Meeting: Education Oversight Committee Joint Committee on Children & Youth Immediately after Session – Room 16 LP

MOTION

On motion, all Senators' names were added as sponsors of **Senate Joint Resolution No. 713**.

On motion of Senator Ketron, his name was added as sponsor of **Senate Bills Nos. 2967 and 3093**.

On motion of Senator Kilby, his name was added as sponsor of **Senate Bill No. 3212**.

On motion of Senator Harper, her name was added as sponsor of **Senate Bill No. 2089**.

On motion of Senator Graves, her name was added as sponsor of **House Joint Resolution No. 825; and Senate Joint Resolutions Nos. 712, 713, 714, 716 and 717**.

On motion of Senator Henry, his name was added as sponsor of **House Joint Resolution No. 819 and Senate Joint Resolution No. 713**.

ENGROSSED BILLS

February 5, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 2129, 2148, 2217, 2249, 2280, 2315, 2317, 2322, 2330 and 2337; and

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Senate Joint Resolutions Nos. 712, 713, 714, 716 and 717; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

ENGROSSED BILLS
February 5, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Joint Resolution No. 729, and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE
February 5, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 821, 822, 823, 824, 826, 831, 832, 833 and 834; adopted, for the Senate's action.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE
February 5, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 2230 and 2604, passed by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE
February 5, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolutions Nos. 700, 701, 703, 704, 713 and 729; concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE
February 5, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 724, concurred in by the House.

BURNEY T. DURHAM,
Chief Clerk.

ENROLLED BILLS

February 5, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared Senate Resolution No. 118; and Senate Joint Resolutions Nos. 700, 701, 703, 704, 713, 724 and 729; and find same correctly enrolled and ready for the signatures of the Speakers.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

February 5, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814 and 817; for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

February 5, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 819 and 825, for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

MESSAGE FROM THE HOUSE

February 5, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2150, for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

February 5, 2004

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814 and 817.

SIGNED

February 5, 2004

The Speaker announced that he had signed the following: Senate Resolution No. 118; Senate Joint Resolutions Nos. 700, 701, 703, 704, 713, 724 and 729; and House Joint Resolutions Nos. 819 and 825.

THURSDAY, FEBRUARY 5, 2004 -- 57TH LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

February 5, 2004

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2047; and Senate Joint Resolutions Nos. 700, 701, 703, 704, 713, 724 and 729; signed by the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

February 5, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: Senate Bill No. 2047; and Senate Joint Resolutions Nos. 700, 701, 703, 704, 713, 724 and 729; for his action.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE GOVERNOR

February 6, 2004

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolution No. 724, with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, February 9, 2004: House Joint Resolution No. 752; Senate Joint Resolutions Nos. 719, 720, 725, 726 and 727; and Senate Resolution No. 119.

This the 5th day of February, 2004.
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, February 9, 2004: Senate Bills Nos. 2397, 2401, 2404, 2432 and 2681.

This the 5th day of February, 2004.
CROWE, Chairperson.

THURSDAY, FEBRUARY 5, 2004 -- 57TH LEGISLATIVE DAY

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, February 9, 2004: Senate Bills Nos. 2224, 2329 and 2614; Senate Joint Resolution No. 142; and Senate Bills Nos. 2253 and 2252.

This the 5th day of February, 2004.
CROWE, Chairperson.

ADJOURNMENT

Senator Crutchfield moved the Senate adjourn until 5:00 p.m., Monday, February 9, 2004, which motion prevailed.